



**In The Supreme Court of <sup>1</sup>**  
**THE UNITED STATES.**

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**OCTOBER TERM, 1898.**

**NO. 223.**

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THE FIRST NATIONAL BANK OF GRAND  
FORKS, NORTH DAKOTA,  
PLAINTIFF IN ERROR, 2

vs.

ALEXANDER ANDERSON,  
DEFENDANT IN ERROR.

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IN ERROR TO THE SUPREME COURT OF  
THE STATE OF NORTH DAKOTA.

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NOTICE OF MOTION TO DISMISS WRIT OF <sup>3</sup>  
ERROR, AND AFFIRM JUDGMENT BELOW.

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TO MESSRS. W. E. DODGE

AND

BURKE CORBET,

ATTORNEYS FOR PLAINTIFF IN ERROR:

Please take notice, that at the Court room of the  
Supreme Court of the United States, in the City of

- 4 Washington, D. C., on the nineteenth (19th) day of  
December, A. D., 1898, at the opening of Court on  
that day, or as soon thereafter as counsel can be  
heard, the undersigned, on behalf of the above  
named defendant in error, will move the Court  
upon the agreed record in the above entitled action  
filed August 30th, 1898, and upon the reported  
decisions of the Supreme Court of the State of  
5 North Dakota mentioned at Folio 74 thereof, to  
dismiss the writ of error issued in the above en-  
titled action on the 6th day of November, A. D.,  
1897, and to affirm the judgment of the Supreme  
Court of the State of North Dakota, mentioned in  
said writ of error and to affirm the judgment of  
the District Court in and for the County of Grand  
6 Forks and State of North Dakota, together with  
costs of this motion and damages of ten per cent.  
upon the amount of said judgment, in the action  
wherein the above named defendant in error, Alex-  
ander Anderson, was plaintiff, and the above nam-  
ed plaintiff in error, The First National Bank of  
Grand Forks, North Dakota, was defendant; the  
judgment of which District Court was rendered on  
7 the 3rd day of June, A. D., 1897, and the judg-  
ment of which Supreme Court affirming the same  
was rendered on the 4th day of October, A. D., 1897.

Said motion will be based upon the ground that,  
although the record may show that this Court has  
jurisdiction, it is manifest that said writ of error was  
sued out and this appeal taken for delay only, and  
that the question on which the jurisdiction of this

Court depends is so frivolous as not to need further 8  
argument, in that

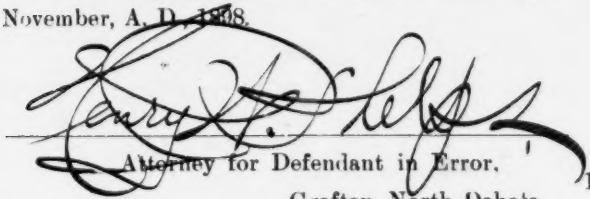
I.

The alleged Federal question attempted to be  
raised by plaintiff in error, was not necessarily in-  
volved in the decision arrived at and rendered either  
in said Supreme Court of the State of North Dakota  
or in the District Court in and for the County of  
Grand Forks and State of North Dakota; but the 9  
said judgments were rendered and said decisions  
made on settled pre-existing rules of general juris-  
prudence.

II.

It is apparent on the face of the record that the  
question on which the jurisdiction, if any, of this  
Court depends, was manifestly decided right in the 10  
Courts below, and this case ought not to be held  
for further argument.

Dated at Grafton, North Dakota, this 22nd day of  
November, A. D. 1908.



Attorney for Defendant in Error.

Grafton, North Dakota. 11

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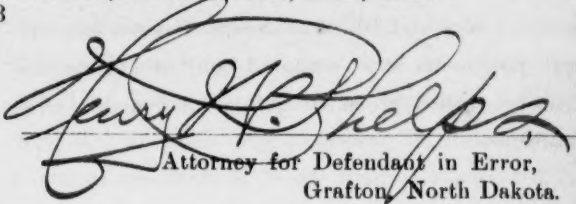
MOTION TO DISMISS WRIT OF ERROR  
AND AFFIRM JUDGMENT BELOW.

Now comes the above named defendant in error,  
Alexander Anderson, by Henry W. Phelps, his at-  
torney, appearing specially to object to the juris-

12 diction of the Court, and moves the Court that the writ of error issued in the above entitled cause on the 6th day of November, A. D., 1897, be dismissed and the judgments below be affirmed, together with damages and costs, upon the record and reported decisions and upon the grounds specified in the preceding notice of motion therefor.

Dated, December 19th, A. D., 1898.

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Attorney for Defendant in Error,  
Grafton, North Dakota.